

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

February 5, 2009



Rezoning RZ 09-02: Justin Whitworth

CASE DESCRIPTION: a request to change the zoning classification from Agricultural-Open District (A-O) to Industrial District (I)

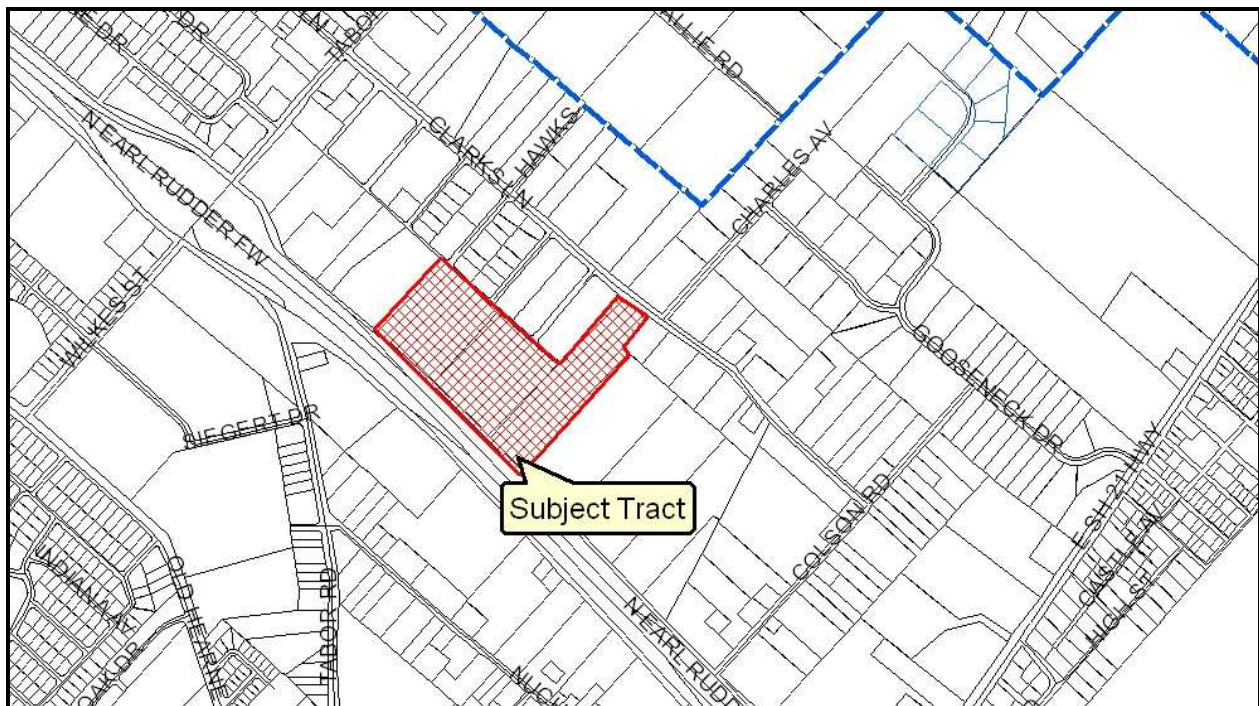
LOCATION: 31.82 acres of land out of Stephen F. Austin League No. 10, A-63 adjoining the northbound frontage road of North Earl Rudder Freeway (State Highway 6) between Colson and Tabor Roads in Bryan, Brazos County, Texas

EXISTING LAND USE: vacant acreage

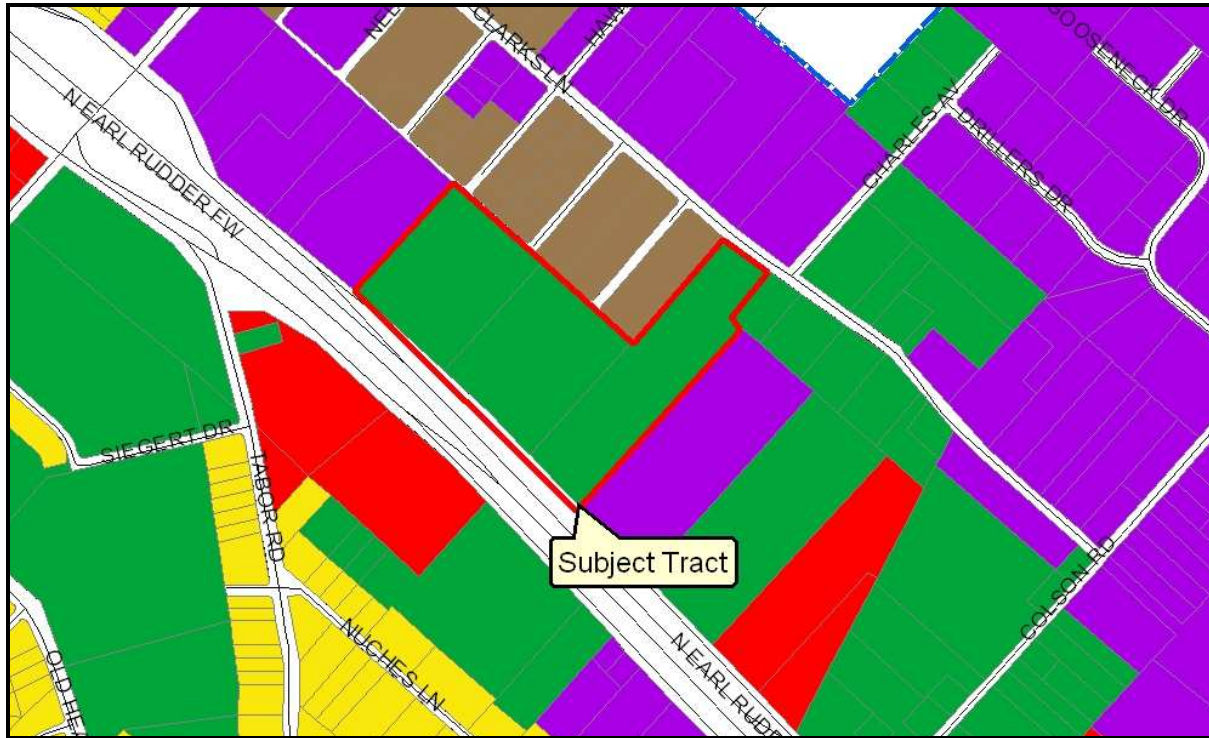
APPLICANT(S): Justin Whitworth

STAFF CONTACT: Randy Haynes, Staff Planner

SUMMARY RECOMMENDATION: Staff recommends **denying** Industrial zoning as requested. However, staff believes that industrial zoning may be appropriate for a portion of this property. Please see pages 4 and 5 for a more detailed description of staff's recommendation.



ZONING MAP*:



* a key to the zoning district colors may be found in the Commissioner's binder

AERIAL PHOTOGRAPH:



BACKGROUND:

The applicant is requesting the rezoning of these approximately 32 acres from Agricultural-Open District (A-O) to Industrial District (I). The request is made to facilitate marketing of the currently vacant property to industrial users. The subject property has frontage on Clarks Lane as well as the North Earl Rudder Freeway frontage road. Existing industrial development is very limited on property adjacent to the subject tract although the land on either side of the subject tract has been zoned for industrial use for many years. Adjacent uses include scattered residential in the MU-1 area to the northeast, an oil storage facility to the southeast and a former retail development to the northwest now used for warehouse purposes.

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

Bryan's Comprehensive Plan is the framework for the establishment of zoning and other regulatory tools. The Planning and Zoning Commission shall use the plan as a decision guide relating to adopted planning policies and goals when making its recommendation regarding this proposed zoning change. The following excerpts from the Comprehensive Plan relate to this case:

5.5 Land Use Policies / Use-Specific Land Use Policies:

Industrial land provides locations for manufacturing activities where impacts to less intense uses can be substantially buffered. These uses should be located in areas that are along arterial thoroughfares, in proximity to freeways, rail lines and/or areas with access to airports or other transportation outlets.

Office/Light Commercial land provides locations for lower intensity commercial activities that serve local needs. These uses should be located in areas that are at points of high visibility.

7.3 Community Appearance – Goal and Objectives

The following goal, objectives and action statements were developed to address the overall appearance and function of the City of Bryan for the next 20 years.

GOAL: PROVIDE AN ATTRACTIVE PLACE TO LIVE, WORK AND VISIT.

Objective A) Develop attractive entrances and corridors.

ANALYSIS:

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission shall consider the following factors.

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned; relationship to general area and the City as a whole.

Staff contends that the proposed zone change of this entire property to Industrial District could have negative impacts on the area concerned and to City as a whole. The subject property is situated with direct exposure to heavy traffic on State Highway 6, an inter-city thoroughfare and one of Bryan's major transportation arteries linking Bryan to the rest of the state. The image and appearance of commercial activity along this and other corridors

is a stated community priority expressed not only in the Bryan Comprehensive Plan, but also most recently in City Council's 2007-08 Strategic Plan.

It is true that adjacent properties along the North Earl Rudder Freeway (Texas Highway 6) frontage road have long been zoned for, and partially occupied by, industrial users. However, in light of the city's current emphasis on image and appearance and adopted land use policies, staff believes that approving this request and thereby allowing more investment in potentially unsightly and even noxious industrial uses on these entire 32 acres of land along this entranceway into Bryan, is not appropriate and does not conform to stated community objectives.

So long as improving image and appearance is a stated community goal, staff believes that the City should continue to plan for accommodating industrial users in areas with little visibility from, but easy access to, major thoroughfares. In this particular case, such a location could be, for example, along Clarks Lane. Please note that part of the subject tract has frontage on Clarks Lane as well as the North Earl Rudder Freeway. The northeast five acre portion of the subject tract with frontage facing Clarks Lane, would, in the staff's judgment, be appropriately zoned for industrial use. This alternative has been explored during discussions between the staff and the developer. Staff contends that that portion of the subject property facing the North Earl Rudder Freeway is perhaps more suitable for retail or commercial use.

2. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area and shall note the findings.

Additional water service is planned in this area. Bryan's Thoroughfare Plan envisions a future collector street within this tract which would have to be dedicated by the landowner at the time of platting. Construction of future streets will depend on development pressure at the subject site and the surrounding area.

3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.

There are currently a number of acres near to the subject tract that are zoned industrial use and that remain undeveloped. Staff believes that this zone change request, if approved, will not make land classified for similar development in the vicinity and elsewhere in the City unavailable for development.

4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

Within the past year, several tracts have been rezoned to Industrial District in this vicinity, specifically along Clarks Lane. However, not all of the land recently rezoned for industrial activity has been developed as of the time this report is being written. None of the tracts recently rezoned to Industrial District in this area are located along a major corridor.

5. How other areas designated for similar development will be, or are unlikely to be affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.

Bryan currently has a surplus of undeveloped property zoned for industrial use. For example, undeveloped industrial areas exist near the subject location along Clarks Lane, north of the Highway 21 East corridor and near the intersection of the North Earl Rudder Freeway and Harvey Mitchell Parkway (F.M. 2818). A considerable amount of undeveloped property zoned for industrial use also exists on the west side of Bryan including land in two industrial parks. If this zone change were approved, staff believes that other, perhaps more suitable sites already zoned for industrial use might not be fully utilized and industrial uses might appear at less desirable locations.

Staff contends that existing industrial zoning in certain areas of Bryan is no longer suitable for industrial development or continued industrial use for various reasons. This includes the two tracts adjacent to the subject property along the North Earl Rudder Freeway frontage Road. Both these properties were included in the Industrial District nearly twenty years ago with the initial adoption of zoning in Bryan. Subsequent to the adoption of zoning, land use plans and policies adopted by the City Council have featured this area of the bypass as desirable for commercial, not industrial uses.

6. Any other factors affecting health, safety, morals, or general welfare.

Staff contends that there are specific uses allowed by right in the Industrial zoning district that, if placed in the location of the subject property, could adversely affect health, safety, morals, or general welfare. Examples include: adult entertainment, concrete or asphalt batching plant, oil and gas well operations; oil field equipment storage yard; soil, crushed rock, gravel sales and storage; service facilities owned and operated by other municipalities; and wrecking yards (junkyards).

RECOMMENDATION:

Staff recommends **denying** industrial zoning as now requested. However, as mentioned above, staff believes that a portion of the land within the subject tract, specifically that facing Clarks Lane, could be appropriate for industrial use. This alternative has been suggested during discussions between staff and the developer before the rezoning application was made.

EXCERPT FROM APPLICANT'S REZONING APPLICATION:

Please list the reasons for this rezoning request:

This rezoning request is allow the development of this property which is currently vacant and is used only for Agricultural use. This land has good access and visibility and it is anticipated that it will attract businesses that need a significant amount of land for their operations. The proposed zoning classification is the same as the adjacent tracts on Earl Rudder Freeway to the north and south of these tracts.

List the changed or changing conditions in the area or City which make this zone change necessary:

Bryan and College Station are experiencing growth in residential and commercial developments and there is demand for Office/Warehouse and similar developments to be used by the suppliers and sub-contractors that are here as a result of this growth. Also, with the current gas exploration in Robertson County there is demand for service industries to support this exploration. There are numerous new developments that have occurred in the ETJ similar to what could develop on this land. This development could bring some of that development back into the City.

Indicate whether or not this zone change is in accordance with the Future Land Use Plan. If it is not, explain why the Plan is incorrect:

This zone change is not in accordance with the Future Land Use Plan which projects Commercial use along Earl Rudder Freeway and Office/Light Commercial along Clarks Lane. The Future Land Use Plan is probably correct for the future use of this land. Development may occur in the next 15 to 20 years that would make those uses appropriate for this area. However, in the near term, this land may be better suited for Industrial uses in addition to Commercial uses. As the value of the land increase in the future, the use may change.

List any other reasons to support this change:

The land to the north and south of these tracts is already zoned Industrial and there is an existing Industrial Use on the tract to the south. Development of this land will increase the property tax base and could also generate additional sales taxes.